

from the filing of the priority application. (Detailed Action, items 4-5, pages 2-3.) Applicants respectfully disagree with the Examiner.

The present application is a U.S. continuation of PCT/FI02/00565, which itself claims priority to the two Finnish applications. The PCT application was timely filed June 26, 2002, a date that is within one year of the earliest priority date of the Finnish applications — *i.e.*, June 29, 2001. The present application was filed December 29, 2003, within thirty months of the earliest priority date of the PCT application, and during the copendency of the PCT application. The Inventor's Declaration, Patent Application Transmittal filed December 29, 2003, and the Application Data Sheet each properly set forth the claim of priority. As noted above, 35 U.S.C. § 363 provides that the international application has the same effect as a national application. Thus, the present application was filed during the copendency of a national application to which it properly claims priority. Further, a Preliminary Amendment filed concurrently with the present application, amended the specification to recite a specific reference to the PCT priority document. Thus, a proper and valid claim of priority has been established.

Status of the Specification

The specification has been amended to better set forth specific references to the priority documents. This amendment also sets forth the incorporation by reference of the English language PCT priority document, which was made in the Patent Application Transmittal Letter, box 18, filed December 29, 2003. In accordance with MPEP § 201.06(c)IV, the incorporation by reference statement may appear in either the transmittal letter or in the specification. No new matter has been added.

Status of the Claims

Claims 1-11 are pending. Claim 1-3 and 5-10 have been amended. Claim 11 has been added. No new matter has been added.

Claim 1 has been amended to better set forth that periodic moving of the planar antenna occurs in at least in portions of the planar antenna beyond the location of the piezoelectric element. Amendments to claims 2-3 and 5-10 are being made to place the claims in better idiomatic English. Amendments to claims 1-3 and 5-10 are not being made for reasons related to patentability. Support for this amendment can be found in the Specification, at page 3 line 25 through page 4, line 10 and Fig. 2b. Added claim 11 recites similar subject matter with respect to the periodic movement of at least portions of the planar element.

Rejections Under 35 U.S.C. § 102

Claims 1, 2 and 10 as being anticipated by U.S. Patent No. 6,198,206 to Saarma et al. ("Saarma"). Applicant respectfully traverses the rejection.

The Examiner contends that Saarma discloses an embodiment where a piezo-electric element is bonded "to one or more electroded sheets or to a patterned metal shim or the like." (Detailed Action, page 4.) The Examiner also contends that it is inherent for cellular telephones to have an audio amplifier incorporated within its structure.

Applicant submits that Saarma discloses a piezo-electric unit attached to the shell or housing of a device. Examples of such shells or housings are cases of paging units, cellular telephone or laptop computer cases, computer mice, etc. It is the shell or housing that is vibrated by the piezo-electric unit. Saarma does not disclose, nor suggest, an integrated radio telephone with "a piezoelectric element attached to [a] planar element" of an antenna, as recited in claim 1.

Further, Saarma does not disclose, nor suggest, the use of antenna parts as a speaker or a microphone. A person of ordinary skill in the art would know that a speaker or microphone are formed from the same structure, which is incorporated into electronic circuitry differently. The Specification, page 3, lines 15-24 and page 4, lines 11-14, describe how the periodic movement can be caused by an audio signal (speaker function) or by sound waves (microphone function). Additionally, there is no suggestion in Saarma to attach the piezo-electric unit to a planar antenna in a cellular telephone.

For the reasons demonstrated above, Saarma does not disclose each and every element of claim 1. Claims 2 and 10 depend from claim 1, and recite features in addition to the features of claim 1. Therefore, Saarma does not anticipate claims 1, 2 and 10. Reconsideration and withdrawal of the rejection is requested.

Rejections Under 35 U.S.C. § 103

Claims 3-8 stand rejected as being unpatentable over Saarma in view of U.S. Patent No. 5,410,749 to Siwiak et al. ("Siwiak"). Applicant traverses the rejection.

The Examiner contends that Saarma discloses most of the features of claims 3-8. The Examiner acknowledges that Saarma does not disclose that the radiating surface has a first and second branch. The Examiner relies on Siwiak as disclosing this feature, which the Examiner admits is missing from Saarma.

First, Applicant respectfully submits that the Examiner is incorrectly reading Siwiak as disclosing first and second branches to produce two bands. It is unclear from the Detailed Action, item 12, page 6, whether the Examiner is citing the conductive shorting element 306 which forms an aperture, or the first surface of the planar element and the second surface of the ground plane, as pending on the claimed invention. If the former, a conductive element forming an aperture is not first and second branches. If the latter, Siwiak Fig. 1 clearly depicts a microstrip antenna 300 formed with a dielectric layer 304 sandwiched between a ground plane 314 and a planar antenna element 302. The planar antenna element is the only radiating plane disclosed in Siwiak. A person of ordinary skill in the art would know that the ground plane 314 is not a radiating plane. Thus, Siwiak does not disclose "a first branch and a second branch to produce two bands, said planar element being the first branch of the radiating plane," as recited in claims 3 and 8.

Second, the Examiner contends that "a feeder made of conductive materials, read[s] on the claimed 'piezoelectric material.'" (Detailed Action, page 7.) Siwiak's first and second feeders 308, 310 "are present to electrically couple signals intercepted by the planar antenna element 302 with the primary receiver element circuits 328,326." (Siwiak, column 3, lines 55-63.) A person of

burden of establishing a *prima facie* case of obviousness over claim 9. Reconsideration and withdrawal of this rejection is requested.

CONCLUSION

Each and every point raised in the Office Action dated September 26, 2005, has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that claims 1-11 are in condition for allowance. It is respectfully requested that the application be reconsidered, that the pending claims be allowed, and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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